

## RETURN

[48]

To an Order of The House of Commons, dated 1st December, 1910, for a copy of the existing Lobster Fishery Regulations, adopted by Order in Council of the 30th September, 1910.

By Order,

CHAS. MURPHY,

Secretary of State.

## ORDER IN COUNCIL

[1854]

AT THE GOVERNMENT HOUSE AT OTTAWA.

Friday, the 30th day of September, 1910.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL.

His Excellency in Council, in virtue of the provisions of section 54 of The Fisheries Act, chapter 45 of the Revised Statutes, is pleased to order and it is hereby ordered as follows:—

Section 5 as well as the subsections thereof of the General Fishery Regulations, established by Order in Council, dated 12th September, 1907, which section provides the Lobster Fishery Regulations, is rescinded and the following substituted in lieu thereof:—

### SECTION 5.—LOBSTER FISHERY

(See also Fisheries Act, Sections 35 to 42, inclusive, and 76 to 82 inclusive.)

1. No one shall fish for, catch, kill, buy, sell, or have in possession lobsters, from the 30th day of June in each year, to the 5th day of January following both days inclusive, on and along that portion of the coast or the waters thereof, of the Province of New Brunswick, embraced and included within the Counties of Charlotte and St. John; nor shall anyone within the above described limits, fish for, catch, kill, buy, sell or have in possession, at any time any lobster or lobsters, the carapace of which measures less than  $4\frac{3}{4}$  inches in length.

2. No one shall fish for, catch, kill, buy, sell or have in possession lobsters from the 30th day of June in each year, to the 14th day of January following, both days inclusive, on and along that portion of the coast, or waters thereof, of the Provinces of New Brunswick and Nova Scotia, embraced and included within the County of Albert, New Brunswick, and the Counties of Kings and Annapolis, Nova Scotia.



3. No one shall fish for, catch, kill, buy, sell or have in possession lobsters, from the 16th day of June in each year, to the 5th day of January following, at nine o'clock, a.m., both days inclusive, on and along that portion of the coast or the waters thereof, of the Province of Nova Scotia, embraced and included within the County of Digby.

4. No one shall fish for, catch, kill, buy, sell or have in possession, lobsters, from the 31st day of May to the 14th day of December, in each year, both days inclusive, on and along that portion of the coast or the waters thereof, of the Province of Nova Scotia, embraced and included within the Counties of Yarmouth, Shelburne, Queens, Lunenburg, and that portion of the County of Halifax west of a line running S.S.E. from St. George's Island, Halifax Harbour, and coinciding with the fairway buoys, in the entrance of the said harbour.

5. No one shall fish for, catch, kill, buy, sell or have in possession lobsters, from the 1st day of July in each year, to the 31st day of March following, both days inclusive, on and along that portion of the coast of the Province of Nova Scotia or the waters thereof, from the aforesaid line, running S.S.E. from St. George's Island, Halifax Harbour, and coinciding with the fairway buoys, in the entrance of the said harbour, extending eastwardly, and following the coast line, as far as Red Point, between Martin Point and Point Michaux, in the Island of Cape Breton, and including Chedabucto Bay and St. Peter's Bay, and the coasts and waters of all the islands lying in and adjacent to these Bays, and including the coasts and waters of the Gut of Canso, as far as a line passing from Flat Point, in Inverness County, to the Lighthouse in Antigonish County opposite.

6. No one shall fish for, catch, kill, buy, sell or have in possession lobsters, from the 1st day of August in each year, to the 30th day of April following, both days inclusive, on and along that portion of the coast of Cape Breton Island, in the Province of Nova Scotia, or the waters thereof, from Red Point, between Martin Point and Point Michaux, in the Island of Cape Breton, and extending to and around Cape North, as far as and including Cape St. Lawrence; also, on the north shore of the Gulf St. Lawrence, from and including the Bay of Blanc Sablon, in the Province of Quebec, westward to the head of tide, embracing the coasts and waters of all the islands adjacent to the said shore, and including the Island of Anticosti.

7. No one shall fish for, catch, kill, buy, sell or have in possession lobsters, from the 11th day of July to the 31st day of August following, both days inclusive, and from the 1st day of October, in each year, to the 19th day of April following, both days inclusive, on and along the coast or the waters thereof of the Magdalen Islands, including Bird Rocks and Byron Island: but no one shall, at any time, fish for lobsters in the lagoons of these islands.

8. No one shall fish for, catch, kill, buy, sell or have in possession lobsters, from the 11th day of August in each year, to the 24th day of May following, both days inclusive, along the coasts and in the waters of that portion of Northumberland Strait, between a line, on the north-west, drawn from Chockfish River, in New Brunswick, to West Point, in Prince Edward Island, and a line on the south-east, drawn from Indian Point, near Cape Tormentine, in New Brunswick, to Cape Traverse, in Prince Edward Island.

9. No one shall fish for, catch, kill, buy, sell or have in possession lobsters, from the 11th day of July in each year, to the 25th day of April following,



SESSIONAL PAPER NO. 48.

both days inclusive, on and along that portion of the coast of the Province of Prince Edward Island or the waters thereof, not embraced in the immediately foregoing subsection, viz: from West Point, around the west, north, east and that portion of the south coast of the Province to Cape Traverse.

10. No one shall fish for, catch, kill, buy, sell or have in possession lobsters, from the 11th day of July in each year, to the 19th day of April following, both days inclusive, on and along any portion of the coasts of Canada or the waters thereof, where lobsters are caught, not embraced in the limits described in the foregoing subsections, viz: from, but not including, Cape St. Lawrence, in the Island of Cape Breton, southwestwardly to Flat Point, Inverness County, in the Island of Cape Breton, and from the Lighthouse in Antigonish County, Nova Scotia, opposite Flat Point, Inverness County, westwardly, embracing the coast and waters thereof of the portion of the County of Antigonish west of the Lighthouse specified, and of the Counties of Pictou, Colchester and Cumberland, Nova Scotia, and that portion of the coast of waters thereof of Westmoreland County to Indian Point, near Cape Tormentine; then northwardly from Chockfish River, Kent County, New Brunswick, embracing the coast and waters thereof of the County of Kent, from the River specified, and of the Counties of Northumberland, Gloucester and Restigouche, New Brunswick, as well as the coast and waters thereof of the Counties in Quebec, south of the River St. Lawrence, to the head of tide.

11. No one shall fish for, catch, kill, buy, sell or have in possession for any purpose whatever, any berried lobster or lobsters, or any soft shell lobster or lobsters. Such lobsters when caught shall be liberated alive, by the person catching it or them.

12. No one shall set or place lobster traps or other fishing apparatus for the purpose of taking lobsters, in any water of the depth of two fathoms or under.

13. No one shall set or place lobster traps or other fishing apparatus for the purpose of taking lobsters, at a distance of less than 100 yards from any stationary salmon net, set for the purpose of taking salmon.

14. No one shall, for canning purposes, offer for sale, sell, barter, supply or purchase any fragments of lobsters, lobsters purposely mutilated or broken up, or any broken lobster meat, and all fragments of lobsters, lobsters purposely mutilated or broken up, or broken lobster meat, so offered for sale, sold, bartered, supplied or purchased, shall be liable to seizure and confiscation, unless possessed for the purpose of domestic consumption only, and not for canning, the proof whereof shall devolve on the owner or possessor; nor for canning purposes, shall any lobster or lobsters, be boiled, or partially prepared elsewhere than in the cannery licensed for that purpose.

15. No one shall, for canning purposes, boil lobsters on board any ship, vessel, boat or floating structure of any description whatever, except under special license from the Minister of Marine and Fisheries.

16. No one shall prepare to fish for lobsters, by placing or setting any buoys, lines or other gear used in connection with lobster fishing, before six o'clock in the morning of the day on which it is lawful to take lobsters in the locality affected, except as provided in subsection 3 hereof.

17. All lobster traps constructed after the 31st day of December, 1910, shall have the laths on all portions thereof, not less than  $1\frac{1}{4}$  inches apart,



and this space must remain clear and nothing shall be done to diminish it, and any netting that may be used in such traps, shall have meshes of not less than 3 inches extension measurement, and nothing shall be done to practically diminish the size of the mesh; and all lobster traps used after the 31st December, 1910, but which were constructed before that date, and which do not comply with the above requirements, shall be so remodelled, that each of the three lower spaces between the laths next to the bottom of the trap, on either side, shall be not less than  $1\frac{1}{4}$  inches wide.

18. The use of trawls for the purpose of catching lobster is prohibited in the waters of the Counties of Gaspé and Bonaventure in the Province of Quebec.

RODOLPHE BODREAU,

Clerk of the Privy Council.